

CERTIFICATION OF ENROLLMENT

SENATE BILL 5584

Chapter 308, Laws of 2011

62nd Legislature
2011 Regular Session

APPRENTICESHIPS--LABOR AND INDUSTRIES

EFFECTIVE DATE: 07/22/11

Passed by the Senate March 2, 2011
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 8, 2011
YEAS 56 NAYS 39

FRANK CHOPP

Speaker of the House of Representatives

Approved May 10, 2011, 4:19 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5584** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 11, 2011

**Secretary of State
State of Washington**

SENATE BILL 5584

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By Senators Harper, Kohl-Welles, and Kline; by request of Department of Labor & Industries

Read first time 01/31/11. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to conforming with federal labor standards for
2 apprenticeship programs; amending RCW 49.04.010, 49.04.030, 49.04.040,
3 49.04.050, and 49.04.060; and adding a new section to chapter 49.04
4 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 49.04.010 and 2001 c 204 s 1 are each amended to read
7 as follows:

8 The department of labor and industries is the agency with
9 responsibility and accountability for apprenticeship within the state
10 for federal purposes. The director of labor and industries shall
11 appoint ((an)) a regulatory apprenticeship council, composed of three
12 representatives each from employer and employee organizations,
13 respectively. The terms of office of the members of the apprenticeship
14 council first appointed by the director of labor and industries shall
15 be as follows: One representative each of employers and employees
16 shall be appointed for one year, two years, and three years,
17 respectively. Thereafter, each member shall be appointed for a term of
18 three years. The governor shall appoint a public member to the
19 apprenticeship council for a three-year term. The appointment of the

1 public member is subject to confirmation by the senate. Each member
2 shall hold office until a successor is appointed and has qualified and
3 any vacancy shall be filled by appointment for the unexpired portion of
4 the term. A designated representative from each of the following: The
5 workforce training and education coordinating board, state board for
6 community and technical colleges, employment security department, and
7 United States department of labor, apprenticeship, training, employer,
8 and labor services, shall be ex officio members of the apprenticeship
9 council. Ex officio members shall have no vote. Each member of the
10 council, not otherwise compensated by public moneys, shall be
11 reimbursed for travel expenses in accordance with RCW 43.03.050 and
12 43.03.060 and shall be compensated in accordance with RCW 43.03.240.
13 The apprenticeship council is authorized to approve apprenticeship
14 programs, and establish apprenticeship program standards as rules,
15 including requirements for apprentice-related and supplemental
16 instruction, coordination of instruction with job experiences, and
17 instructor qualifications. The council shall consider recommendations
18 from the state board for community and technical colleges on matters of
19 apprentice-related and supplemental instruction, coordination of
20 instruction with job experiences, and instructor qualifications. The
21 rules for apprenticeship instructor qualifications shall either be by
22 reference or reasonably similar to the applicable requirements
23 established by or pursuant to chapter 28B.50 RCW. The ((council))
24 director is ((further)) authorized to ((issue such)) adopt rules as may
25 be necessary to carry out the intent and purposes of this chapter,
26 after consultation with the council and receiving the council's
27 recommendations, including a procedure to resolve an impasse should a
28 tie vote of the council occur, and perform such other duties as are
29 hereinafter imposed.

30 Not less than once a year the apprenticeship council shall make a
31 report to the director of labor and industries of its activities and
32 findings which shall be available to the public.

33 **Sec. 2.** RCW 49.04.030 and 2001 c 204 s 2 are each amended to read
34 as follows:

35 ((Subject to the confirmation of the state apprenticeship council
36 by a majority vote,)) The director of labor and industries shall
37 appoint and deputize an assistant director to be known as the

1 supervisor of apprenticeship. Under the supervision of the director of
2 labor and industries and with the advice and guidance of the
3 apprenticeship council, the supervisor shall: (1) Encourage and
4 promote apprenticeship programs conforming to the standards established
5 under this chapter, and in harmony with the policies of the United
6 States department of labor; (2) act as secretary of the apprenticeship
7 council and of state apprenticeship committees; (3) when authorized by
8 the apprenticeship council, register apprenticeship agreements that are
9 in the best interests of the apprentice and conform with standards
10 established under this chapter; (4) keep a record of apprenticeship
11 agreements and upon successful completion issue certificates of
12 completion of apprenticeship; ~~((and))~~ (5) when authorized by the
13 council, terminate or cancel any apprenticeship agreements in
14 accordance with the provisions of the agreements; and (6) conduct
15 reviews for compliance with this chapter, rules established under this
16 chapter, and 29 C.F.R. Parts 29 and 30.

17 The supervisor may act to bring about the settlement of differences
18 arising out of the apprenticeship agreement where such differences
19 cannot be adjusted locally. The director of labor and industries is
20 authorized to appoint such other personnel as may be necessary to aid
21 the supervisor of apprenticeship in the execution of the supervisor's
22 functions under this chapter.

23 **Sec. 3.** RCW 49.04.040 and 2001 c 204 s 3 are each amended to read
24 as follows:

25 Upon July 22, 2001, all newly approved apprenticeship programs must
26 be represented by either a unilateral or joint apprenticeship
27 committee. Apprenticeship committees must conform to this chapter, the
28 rules adopted ~~((by the apprenticeship council))~~ under this chapter, and
29 C.F.R. Parts 29 and 30 and must be approved by the apprenticeship
30 council. ~~((Apprenticeship committees may be approved whenever the~~
31 ~~apprentice — training — needs — justify — such — establishment.))~~ Such
32 apprenticeship committees shall be composed of an equal number of
33 employer and employee representatives who may be chosen:

34 (1) From names submitted by the respective local or state employer
35 and employee organizations served by the apprenticeship committee; or

36 (2) In a manner which selects representatives of management and

1 nonmanagement served by the apprenticeship committee. The council may
2 act as the apprentice representative when the council determines there
3 is no feasible method to choose nonmanagement representatives.

4 Apprenticeship committees shall devise standards for apprenticeship
5 programs and operate such programs in accordance with the standards
6 established by this chapter and by ~~((council-adopted))~~ rules adopted
7 under this chapter. The council and supervisor may provide aid and
8 technical assistance to apprenticeship program sponsors and applicants,
9 or potential applicants.

10 **Sec. 4.** RCW 49.04.050 and 2001 c 204 s 4 are each amended to read
11 as follows:

12 To be eligible for registration, apprenticeship program standards
13 must conform to the rules adopted ~~((by the apprenticeship council))~~
14 under this chapter.

15 **Sec. 5.** RCW 49.04.060 and 2001 c 204 s 5 are each amended to read
16 as follows:

17 For the purposes of this chapter an apprenticeship agreement is a
18 written agreement between an apprentice and either the apprentice's
19 ~~((employer or employers))~~ program sponsor, or an apprenticeship
20 committee acting as agent for ~~((an employer or employers))~~ a program
21 sponsor, containing the terms and conditions of the employment and
22 training of the apprentice.

23 NEW SECTION. **Sec. 6.** A new section is added to chapter 49.04 RCW
24 to read as follows:

25 (1) Any decision of the apprenticeship council affecting
26 registration and oversight of apprenticeship programs and agreements
27 for federal purposes may be appealed to the director of labor and
28 industries by filing a notice of appeal with the director within thirty
29 days of the apprenticeship council's written decision. Any decision of
30 the council affecting registration and oversight of apprenticeship
31 programs and agreements for federal purposes not appealed within thirty
32 days is final and binding, and not subject to further appeal.

33 (2) Upon receipt of a notice of appeal, the director or designee
34 shall review the record created by the council and shall issue a

1 written determination including his or her findings. A judicial appeal
2 from the director's determination may be taken in accordance with
3 chapter 34.05 RCW.

4 (3) Orders that are not appealed within the time period specified
5 in this section and chapter 34.05 RCW are final and binding, and not
6 subject to further appeal.

Passed by the Senate March 2, 2011.

Passed by the House April 8, 2011.

Approved by the Governor May 10, 2011.

Filed in Office of Secretary of State May 11, 2011.